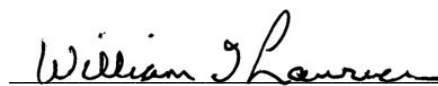


ultimately was issued reflected the Court's rulings with regard to those objections. At no time did Breakers object to the requirements that it now seeks to modify, even though it had ample opportunity to do so.

Because a Rule 59(e) motion "does not provide a vehicle for a party to undo its own procedural failures, and it certainly does not allow a party to introduce new evidence or advance arguments that could and should have been presented to the district court prior to the judgment," *U.S. v. Resnick*, 594 F.3d 562, 568 (7th Cir. 2010) (citation omitted), Rule 59 relief is not available to Breakers. Breakers also seeks relief under Rule 60(b)(6), pursuant to which the Court may reopen a judgment Under the "catchall" provision of Rule 60, a district court may reopen a judgment "for any other reason justifying relief from the operation of the judgment." "As a general rule, relief from a judgment under Rule 60(b) is an extraordinary remedy and is granted only in exceptional circumstances." *Bakery Machinery & Fabrication, Inc. v. Traditional Baking, Inc.*, 570 F.3d 845, 848 (7th Cir. 2009) (internal quotations and citations omitted). Breakers has not demonstrated that such exceptional circumstances exist here; it essentially argues that compliance with the injunction as written will be practically difficult, but has no concrete evidence to back up that argument and has not convinced the Court that the requirements of the injunction are unreasonable. In any event, "Rule 60(b)(6) . . . is not an appropriate place to slip in arguments that should have been made earlier," *Karraker v. Rent-A-Center, Inc.*, 411 F.3d 831, 837 (7th Cir. 2005). Accordingly, the Court finds no basis for granting the relief sought by Breakers, and its motion to modify the injunction therefore is **DENIED**.

SO ORDERED: 05/06/2010

A handwritten signature in black ink, reading "William T. Lawrence". The signature is written in a cursive style with a horizontal line underneath.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification